

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WADE PLAIR,)	
)	CIVIL ACTION NO. 3:21-cv-163
Petitioner,)	
)	JUDGE KIM R. GIBSON
v.)	
)	
SUPREME COURT OF)	
PENNSYLVANIA, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM ORDER

This case was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Civil Rule 72. The Magistrate Judge filed a Report and Recommendation on November 8, 2021, recommending that Wade Plair's ("Plair") Petition, styled as a writ of mandamus, but construed as a habeus corpus petition, be dismissed and no certificate of appealability be issued. (ECF No. 21 at 1). The Magistrate Judge further recommended that Plair's *in forma pauperis* status be revoked on appeal because "no good faith argument could be made that would support an appeal." (*Id.*).

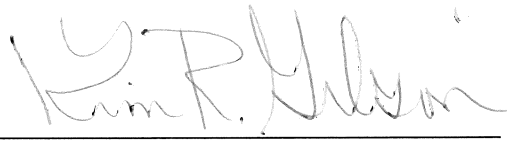
Plair was notified that, pursuant to 28 U.S.C. § 636(b)(1), he had fourteen days to file written objections to the Report and Recommendation. Plair filed objections to the Report and Recommendation on November 22, 2021. (ECF No. 6). Plair also filed an "appeal" to the Court which the Court construes as further objections to the Report and Recommendation. (ECF No. 7).

After *de novo* review of the record in this matter, the Report and Recommendation, and the objections thereto, the Court finds that the objections filed by Plair at ECF Nos. 6 and 7 are without merit. The following order is entered:

AND NOW, this 29th day of December, 2021, **IT IS HEREBY ORDERED** that the Petition (ECF No. 3) is dismissed with prejudice as stated in the Report and Recommendation.

IT IS FURTHER ORDERED that no certificate of appealability is issued. The Court adopts the Report and Recommendation as the opinion of this Court.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Kim R. Gibson", written in dark ink.

KIM R. GIBSON
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

Wade Plair
911 Green Avenue
Apartment 920
Altoona, PA 16601